

AMENDED IN SENATE MAY 6, 2010
AMENDED IN ASSEMBLY MARCH 18, 2010
CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1999

Introduced by Assembly Member Portantino
(Coauthors: Assembly Members DeVore and Torres)
(Coauthor: Senator Calderon)

February 17, 2010

An act to add Section 25662.5 to the Business and Professions Code, relating to alcohol.

LEGISLATIVE COUNSEL'S DIGEST

AB 1999, as amended, Portantino. Alcohol: medical emergencies.

Existing law provides that any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor. Existing law provides that any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor, punishable as specified.

This bill would provide that it shall not be a crime for certain persons under the age of 21 years to knowingly possess or knowingly consume alcoholic beverages under specific circumstances relating to the reporting in good faith of medical emergencies arising from alcohol consumption, as specified. The bill would specify that it shall not affect liability for any offense that involves activities made dangerous by the consumption of alcohol.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25662.5 is added to the Business and
2 Professions Code, to read:
3 25662.5. (a) Notwithstanding any other law, it shall not be a
4 crime for a person under the age of 21 years and one or two other
5 persons to knowingly possess or knowingly consume one or more
6 alcoholic beverages if all of the following circumstances exist:
7 (1) One of the persons under the age of 21 years called ~~9-1-1~~
8 911 and reported in good faith that another person under the age
9 of 21 years was in need of medical assistance due to alcohol
10 consumption.
11 (2) The person under the age of 21 years was the first person to
12 make the ~~9-1-1~~ 911 report.
13 (3) The person under the age of 21 years and, if applicable, one
14 or two other persons acting in concert with the person under the
15 age of 21 years who made the ~~9-1-1~~ 911 report remained on the
16 scene with the person under the age of 21 years in need of medical
17 assistance until assistance arrived and cooperated with medical
18 and law enforcement personnel on the scene.
19 (b) Notwithstanding any other law, it shall not be a crime for
20 the person under the age of 21 years who received medical
21 assistance as provided in subdivision (a) to knowingly possess or
22 knowingly consume one or more alcoholic beverages on private
23 property.
24 (c) Nothing in this section shall affect liability for any offense
25 that involves activities made dangerous by the consumption of
26 alcohol, including, but not limited to, violations of Section 23103
27 of the Vehicle Code, as specified in Section 23103.5 of the Vehicle
28 Code, and violations of Section 23152 or 23153 of the Vehicle
29 Code.